

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64720 of 2025

Arising Out of PS. Case No.-337 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bipin Kunwar @ Bipin Kumar @ Kailu Kunwar @ Kailu @ Bipin Kunwar
Kailu S/o- Late Lal Kunwar @ Lal Kumar Village- Basudevpur ward No 11
PS- Begusarai Muffasil District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2025 Heard Mr. Sandip Kumar Gautam, learned counsel

for the petitioner and Mr. Ashok Kumar, learned counsel

representing the informant as also learned APP representing the

State.

2. The petitioner is in custody in connection with

Begusarai Muffasil P.S. Case No. 337 of 2023 for the offence

punishable under sections 341, 323, 325, 307, 504, 427 and 379

of the Indian Penal Code, lodged on 10.06.2023 by the

informant, Nitish Kumar.

3. As per the prosecution story, the allegation is that

first the accused persons consumed liquor and thereafter on

protest, assaulted as also damaged the motorcycle. The fact

remains that the assault resulted into death of one of the person



on the informant's side. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the allegation against Raushan Kumar and Shivam Kumar Rai was/were of assaulting earlier which followed the assault by this petitioner, the injuries were on hands and legs, subsequently, the unfortunate death took place. Further, the F.I.R. is delayed, in any case, he has suffered by being in custody since 22.12.2023 and is ready to diligently appear in trial. The last submission is that Raushan Kumar has been extended relief in Cr. Misc. No. 35999 of 2025 (Annexure-A-4 to the petition).

5. Learned counsel for the informant on the other hand oppose the prayer submitting that he has criminal antecedent and delayed coming to the judicial custody and only after the processes were issued, against him.

6. Considering the submissions of the parties, though allegation is there, an unfortunate death has taken place, the petitioner earlier moved before this Court, in Cr. Misc. No. 67805 of 2024 which came to be rejected on 04.02.2025. An undertaking has been given that he shall be diligently appearing in trial and Raushan Kumar has been extended relief, as recorded above, in that background, this Court is inclined to extend him the privilege of bail.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IX, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 337 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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